REMARKS

Status of Claims

The Office Action mailed April 20, 2007 has been reviewed and the comments therein were carefully considered. Claims 1-12 are pending in the application, and are currently rejected. Claims 5 and 11 have been canceled in this Amendment.

New Counsel

Applicant notes that new counsel has been appointed for this patent application. A Power of Attorney to Prosecute Applications Before the USPTO along with change of address form was filed on September 20, 2007.

Claim Amendments

Applicant has amended Claims 7-10 and 12 to correct preamble language to read "computer-readable medium encoded with computer executable instructions", and also amended Claim 7 to correct "form" to "from". Applicant asserts these changes add no new subject matter.

Claim Rejection Under 35 U.S.C. 103

Claims 1, 4, 5, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676). Applicant traverses this rejection.

With regard to Claim 5, the Office Action states that Knee teaches "removing a category from the second set in response to the broadcasted program viewing device not being tuned, for a period of time at least equal to a second predetermined threshold, to at least one broadcasted program predetermined to be in the category from the second set" and refers to paragraph 44 of Knee. Applicant respectfully disagrees.

Knee at paragraph 44 and 45 discloses updating a demographic category value if user input has not been received on a periodic basis, for example seven days. As described, Knee uses a decay function to update the demographic category value.

This is different from the present invention. In the present invention as claimed in Claim 5, the category is removed from second set. Knee merely adjusts demographic category values using a formula given in paragraph 40. Knee does not disclose or suggest such immediate action by removing a category from the second set.

Accordingly, Applicant asserts that Knee either alone or combined with any other references, disclose or suggest the feature recited in Claim 5, and that Claim 5 is allowable over the cited references. This same argument applies to Claim 11.

Applicant has amended independent Claims 1 and 7 to include the feature recited in Claims 5 and 11, and have canceled Claims 5 and 11. Accordingly, Applicant asserts that Claims 1 and 7, and all claims dependent upon them, are allowable.

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676) further in view of Ohkura (US Patent 6,128,009). Applicant traverses this rejection. As previously shown, McClard and Knee do not disclose or suggest the features as recited by Claims 5 and 11. Further, Ohkura does not remedy this missing feature.

Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676) further in view of Ellis et al. (US Patent Application Publication 2003/0020744). Applicant traverses this rejection. These claims depend from allowable independent claims, are therefore allowable.

Conclusion

All rejections having been addressed, Applicant respectfully requests entry of the present amendment and notification of allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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By: _____

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